

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

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WRIT PETITION No :20255 OF 2007

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DATED:27-09-2007

BETWEEN:

Yalavarthi Babu Rao.

..... PETITIONER

AND

The Tahsildar,
Amarthaluru mandal,
Guntur District & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the inaction of the 2nd respondent in not taking up the appeal filed before him on 05-07-2007 against the orders of the 1st respondent, dated 13-04-2007, and disposing of the same as illegal, arbitrary, and against the principles of natural justice.

3. It is stated that the petitioner became the owner of an extent of Ac.2.25 cents of land in Sy.No.47, Mulpur village, Amarthaluru mandal, by virtue of various sale deeds and sale transactions. While so, the 1st respondent-Tahsildar of Amarthaluru mandal, Guntur District issued a notice, dated 02-01-2007, to the petitioner as to why he should not be evicted from the land of an extent of Ac.2.10 cents in Sy.No.47 of Mulpur village of Amarthaluru mandal which was a surplus land under the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for brevity, 'the Act'). The said land was assigned in favour of one K.Pitchaiah, who alienated the same in contravention of the provisions of Sections 3(1) and 3(2) of the Act and the rules made thereunder and thereafter, after considering the explanation, orders have been passed in Rc.No.145/05-B, dated 13-04-2007, resuming the said lands to the Government custody. As against the said order petitioner filed an

appeal before the 2nd respondent-Revenue Divisional Officer, Tenali on 05-07-2007, within the prescribed time of ninety days. It is stated that the appeal is pending before the 2nd respondent and even before disposing of the stay application or the main appeal 3rd respondent is taking steps to dispossess the petitioner.

4. I am not inclined to express any opinion whether the appeal is filed in time or not and whether the appeal is pending or not. If any appeal is filed and pending on the file of the 2nd respondent, he is directed to consider and dispose of the same in accordance with law as expeditiously as possible after giving reasonable opportunity to the petitioner and pending disposal of the appeal, *status quo* obtaining as on today with regard to possession of the said land shall be maintained.

5. Accordingly, Writ Petition is disposed of. There shall be no order as to costs.

V.ESWARAIAH,J

27th September, 2007.

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